

Salisbury, North Carolina
July 7, 2011

REGULAR MEETING

PRESENT: Mayor Susan W. Kluttz, Presiding; Mayor Pro Tem Maggie A. Blackwell, Councilmen William (Pete) Kennedy, William Brian Miller, and Paul B. Woodson, Jr.; City Manager David W. Treme; City Clerk Myra B. Heard; and City Attorney F. Rivers Lawther, Jr.

ABSENT: None

Salisbury City Council met in Council Chambers in City Hall located at 217 South Main Street. The meeting was called to order by Mayor Kluttz at 4:00 p.m. The invocation was given by Mayor Pro Tem Blackwell as a moment of silence to honor the late Ms. Sarah Robinson.

PLEDGE OF ALLEGIANCE

Mayor Kluttz led those present in the Pledge of Allegiance to the United States flag.

RECOGNITION OF VISITORS

Mayor Kluttz welcomed all visitors present

ADDITION TO THE AGENDA

Mayor Kluttz noted the following changes to the Agenda:

Add – Council to discuss the process for hiring a new City Manager.

CONSENT AGENDA

(a) **Approval of Minutes**

Approve Minutes of the Recessed Meetings of June 9, 10, and 13, 2011 and the Regular Meeting of June 21, 2011.

(b) **Temporary Street Closure for Jersey City Reunion**

Close the 400 block of North Craige Street Saturday, July 9, 2011, from 2:00 pm until 4:00 pm to accommodate the annual Jersey City Reunion.

(c) **Temporary Street Closure for Brick Street Live concert series**

Close Barringer Street Thursday, July 21, 2011, from 3:00 p.m. until 12:00 midnight, and Saturday, October 22, 2011 from 1:00 p.m. until 12:00 midnight to accommodate the Brick Street Live Series at Castaways.

Mayor Kluttz referred to Item C and suggested approving the temporary street closure for Thursday, July 21 2011, and postponing the approval of the temporary street closure scheduled for Saturday, October 22, 2011 until after the July 21, 2011 concert. She pointed out this would give Council time to receive public comments from the neighbors at Park View Circle to determine if the late hour causes any problems.

By Consensus, Council agreed.

Thereupon, Mr. Woodson made a **motion** to approve the Consent Agenda items A-B. Mr. Kennedy seconded the motion. Messrs. Kennedy, Miller, Woodson, and Ms. Blackwell and Kluttz voted AYE. (5-0)

Thereupon, Mr. Woodson made a **motion** for Item C that Council close the street Thursday, July 21, 2011, from 3:00 p.m. until 12:00 midnight and delete the second part Saturday, October 22. He noted Council will not approve that until it sees how the first concert works out. Ms. Blackwell seconded the motion. Messrs. Kennedy, Miller, Woodson, and Ms. Blackwell and Kluttz voted AYE. (5-0)

Mayor Kluttz stated Council will request this item be added to the Agenda after the July 21, 2011 concert.

LAND DEVELOPMENT DISTRICT MAP AMENDMENT LDOZ-08-2011 MULTIPLE PROPERTY OWNERS

(a) Mr. Preston Mitchell, Senior Planner, addressed Council regarding a request to rezone approximately 3.2 acres located at Tax Map 071, Parcels 125-130, from General Residential to Residential Mixed Use.

Mr. Mitchell noted there are two case numbers associated with this case. He stated this request originated in 2010, but the Planning Board advised against it because the Eastern Gateway Area Plan was not complete. He explained since this request was resubmitted for consideration in 2011, a new case number has been assigned.

Mr. Mitchell reviewed an aerial map of the site, and noted it consists of six parcels encompassing 3.2 acres along East Innes Street from the Social Security Administration Building southward. He stated five of the six parcels are developed. He displayed a low-level aerial map, and noted the majority of the area is developed as Single-Family Residential with Commercial development closer to Interstate 85.

Mr. Mitchell reviewed an area zoning map and stated the zoning in the area is primarily General Residential (GR6), which is single-family residential that allows up to six units per acre. He stated the property is adjacent to Residential Mixed Use (RMX) zoning which is the zone being requested. He stated if the properties are rezoned, the RMX zone would be continuous and would intensify closer to the interstate with Corridor Mixed Use (CMX).

Mr. Mitchell addressed the Eastern Gateway Plan, stating this area along East Innes Street is addressed in Special Policy Area C:

- This section of East Innes Street is a four-lane Major Thoroughfare...maintained its residential character...that is primarily renter occupied (along this particular section). New office development in Commercial building types has encroached into this residential corridor from the west (and) has been consistent in scale and design. Residents and/or property owners support additional professional office development as a transitional use along this corridor; however, it is critical to maintain the residential scale. Redevelopment must be limited to adaptive reuse of existing structures for professional offices or new construction of House building types for professional offices or residential up to four units per House type. Professional offices in Commercial building types not exceeding two stories in height are appropriate along the north side of this section.

Mr. Mitchell addressed the Vision 2020 Plan Policy N-11 (Neighborhood 11):

- Architecturally compatible, residentially scaled office and institutional development may be permitted to locate along the sides of neighborhood planning areas. Under specified conditions, this policy may be applied to the conversion of pre-existing residential properties located along major streets where, due largely to traffic exposure, homes have become unsuitable for residential occupancy. In such instances, adaptive reuse of existing residential structures shall be viewed more favorably than demolition and new construction.

Mr. Mitchell then addressed the Vision 2020 Plan Section N-11 in more detail:

- This policy is intended to address a situation that sometimes occurs when a formerly quiet rural or suburban roadway becomes, with increased urbanization, a well-traveled, perhaps multi-lane thoroughfare. When this happens, existing homes along the roadway are exposed to levels of traffic and noise that are no longer suitable for residential living. Often, when this happens, one of two undesirable scenarios occurs;
 - Undesirable Scenario 1: Gradual downward spiral of property upkeep and property values
 - Undesirable Scenario 2: Transition to intensive commercial development

Mr. Mitchell stated the preferred Scenario is:

- Appropriately designed and scaled office or institutional uses along the periphery of a neighborhood planning area can serve as a useful buffer between the heavily traveled thoroughfare and the homes to the interior of the neighborhood planning area. Such uses can also provide the opportunity for jobs within walking distance of nearby residences.

Mr. Mitchell addressed the permitted uses of RMX:

- All Residential forms – up to 18 units per acre
- Single-Family, Duplex, Triplex, Quad
- Multi-Family greater than 4 dwelling units
- Office, Services, Variety of Institutional
- Infrastructure/Utilities
- Retail (maximum 10,000 square foot) or Restaurant with Special Use Permit

Mr. Mitchell stated the Planning Board recommended approval of the request by a vote of 7-0.

Mayor Pro Tem Blackwell asked Mr. Mitchell to explain the density recommended in the Eastern Gateway Area Plan verses the density allowed in the RMX zoning.

Mr. Mitchell explained the Eastern Gateway Area Plan is only a recommendation, while the zoning is a classification, and if rezoned the RMX would allow for the higher density. He noted the Planning Board analysis concluded density was not a concern because if the properties were developed independently of each other, the 18 dwelling units per acre could not be achieved. He stated to achieve 18 dwelling units per acre the properties would have to be combined and developed as a unit. He pointed out this would be difficult because the lots are shallow and parking would be an issue.

(b) Mayor Kluttz convened a public hearing, after due notice thereof, to receive comments regarding Land Development district map amendment LDOZ-08-2011.

Mr. Jeff Cline, owner of property located at 1910 East Innes Street, stated he favors the rezoning. He indicated in the past he had an opportunity to sell the property for business use, but his zoning request was turned down by City Council, and he was asked to wait until Jake Alexander Boulevard was finished. He informed Council the property owners waited until the Eastern Gateway Area Plan was finished and now believe it is time to move forward with the RMX zoning request. He stated the landlords in the group are unable to properly maintain their properties due to lack of income from rentals. He noted they have had issues with renters, involving the police, and even fires. He concluded by stating the group has waited patiently on the Planning Board to complete the Plan, and he commended the excellent job on the Eastern Area Gateway Plan. He pointed out the rezoning would be beneficial to the City due to the tax revenue increase as the properties are developed, and it will help clean up the neighborhood.

Ms. Linda Misenheimer, owner of the vacant lot at 0 Innes Street, stated she supports the rezoning. She provided five major reasons to rezone the properties to RMX:

1. RMX zoning for the proposed area would be compatible due to the proximity of the Social Security Administration Office, Rowan County Department of Health, SE Collins Building and other businesses.
2. The Eastern Gateway Area Plan supports rezoning to RMX.
3. All the homes except one in the rezoning district are renter occupied. The Vision 2020 Plan allows for primarily renter occupied homes located along a major thoroughfare to transition to office usage.
4. No previous opposition from other property owners.
5. Rezoning to RMX allows for growth and development making properties available for offices and mixed uses to increase the tax base.

Ms. Bobbi Cline, owner of property at 1906 East Innes Street, stated she believes the rezoning is needed due to traffic, visibility, accessibility and the close proximity to the City. She stated the property owners are in agreement to have the property rezoned and developed. She noted the close proximity to Jake Alexander Boulevard, Interstate 85, and the amount of traffic will be good for businesses.

Mr. Scott Cannon stated he represents Mr. Jerry Overcash, 1903 Stokes Ferry Road. Mr. Cannon stated Mr. Overcash opposes the rezoning due to drainage problems from the adjacent Social Security Building. He noted overflow from the parking lot has destroyed Mr. Overcash's pond, and when there are heavy rains the overflow floods his yard and garage. He stated if the rezoning is allowed and the lots are paved, the runoff will ruin the houses downhill on the backside of Stokes Ferry Road. He displayed pictures of the property damage for Council, pointing out the problem started when large drain lines were constructed for the Social Security Building. He stated Mr. Overcash is totally against the rezoning. He noted paving creates runoff that has to go somewhere, and it naturally flows downhill. He stated the engineers need to take into consideration the effects of rezoning on surrounding properties.

There being no one else present to address Council, Mayor Kluttz closed the public hearing.

Mayor Kluttz directed the drainage issue raised by Mr. Cannon to Mr. Mitchell.

Mr. Mitchell stated the development of the Social Security Building came before current standards for controlling water run-off. He noted the City is currently under the National Pollutant Discharge Elimination System (NPDES) Standards for storm water run-off. He explained if the six properties are renovated into small offices they will not be required to put in storm water devices. He pointed out if the homes are torn down and the properties combined into anything greater than one acre, they would be required to capture all storm water on site and hold it for a specified time before releasing it. He concluded by stating current standards are more effective in controlling water run-off downstream.

Mayor Pro Tem Blackwell asked if the Social Security Building lot is over one acre. Mr. Mitchell responded he did not know the exact size of the lot, but in his opinion it is over one acre.

Engineering Director Dan Mikkelson addressed Council pointing out the property on Stokes Ferry Road is receiving water run-off from a much larger drainage basin. He stated the drainage is not only from the Social Security Building site, but also from the Health Department and Innes Street Market. He noted over the last 20 years this property has received increased water run-off from 20 to 40 developed acres that contain a great deal of asphalt. He stated if the lots are rezoned there is the potential for more water run-off, but not to the same extent.

Councilman Kennedy asked if the City could do anything to assist the people on Stokes Ferry Road with the drainage situation.

Mr. Mikkelson responded a property owner has the right to develop their property in accordance with local zoning. He explained if this property is rezoned, the owners will have the right to develop in accordance with the standards, and there will be an impact downstream. He added it will not be as extreme as the impact over the last 20 years from the much larger drainage basin. He noted the property owners are required to meet the City's standards, but it will not prevent an increase in run-off or guarantee there will not be an impact.

Councilman Miller pointed out the most intensive causes of future run-off would trigger NPDES Standards, including the combination of properties, the demolition of existing structures and new construction. He emphasized the NPDES Standards would require retention of the water so it flows out at a measured rate instead of flowing into Mr. Overcash's pond at one time.

Mr. Miller asked about the Ordinance relative to parking if demolition occurs and new structures are built. Mr. Mitchell stated parking is required to be in the side and rear yard in the RMX district.

City Manager David Treme asked Mr. Mikkelson to address the lack of clarity in State law regarding downstream drainage.

Mr. Mikkelson explained in North Carolina the law regarding drainage is based on common law that water runs downhill, meaning an uphill property owner has the right to release

storm water in what was historically the downhill direction. He noted the property owner is prohibited from diverting the run-off in a different direction. He stated when there is an asphalt surface more run-off will occur and water will continue to go in its historical downhill direction.

Mr. Mikkelson stated Mr. Overcash's concern is appropriate, but based on his past experience he does not feel the impact will be as extreme as Mr. Overcash believes.

Mr. Miller stated Mr. Overcash's pond is most likely on the property as a result of being in a low point relative to surrounding properties. He noted Mr. Overcash is at a lower altitude than surrounding properties causing drainage to come through his property.

Mr. Mikkelson noted the things that would trigger the most intense water run-off would also trigger the most restrictive standards. He pointed out if the properties remained the same the increase in run-off would be kept to a minimum. He noted the higher NPDES standards do not prevent all run-off, but they do control it in a better fashion.

Mr. Woodson asked which direction the run-off will flow if all of the property is developed. Mr. Mitchell stated the run-off will flow north. Mr. Mikkelson added the run-off will flow through the rear of the properties.

Mr. Cline asked to address Council. He stated the Misenheimer and Lanier lots are relatively flat so the run-off is minimal. He pointed out his lot has run-off at the rear of property due to a four-inch drain and a retaining wall which results in a slight gathering of water at the back-end of the property.

Mr. Miller stated he understands Mr. Overcash's concerns about the run-off, but the law states water is allowed to flow in the way it has always traveled. He commented that due to the intensity of the traffic, the support of the Planning Board Review, and the Eastern Gateway Area Plan, he supports the rezoning request.

(c) Councilman Miller stated the City Council hereby finds and determines that adoption of an Ordinance to rezone the property as described herein is consistent with the goals, objectives, and policies of the Vision 2020 Comprehensive Plan as well as the policies of the Eastern Gateway Area Plan and that adoption of the Ordinance is reasonable and in the public interest. Thereupon, Mr. Miller made a **motion** to adopt an Ordinance amending the Land Development district map of the City of Salisbury, North Carolina, by rezoning approximately 3.2 acres (6 parcels), identified as tax map 071 and parcels 125-130, from General Residential (GR-6) District to Residential Mixed-Use (RMX) District. Mr. Woodson seconded the motion.

Ms. Blackwell stated she would like to clarify her vote. She stated she sympathizes with the property owner who is receiving the run-off water. She urged property owners to go to the Planning Board to be heard throughout the process. She noted property owners should pay attention to the mailed notices and to speak-up at the first opportunity.

Mr. Woodson agreed with Ms. Blackwell. He stated Council reads their Agendas when they receive them. He pointed out if there is no opposition Council thinks everything is fine.

Mr. Kennedy stated he supports the rezoning based on the staff presentation concerning State law. He pointed out the City cannot go onto private property to correct private property issues.

Mayor Kluttz stated while she is concerned for the neighbors and property owners, she has confidence in the new standards. She thanked the property owners for their patience and concluded she thinks it is appropriate to rezone the property.

Messrs. Kennedy, Miller, Woodson, and Mses. Blackwell and Kluttz voted AYE. (5-0)

AN ORDINANCE AMENDING THE LAND DEVELOPMENT DISTRICT MAP OF THE CITY OF SALISBURY, NORTH CAROLINA BY REZONING APPROXIMATELY 3.2 ACRES (6 PARCELS), IDENTIFIED AS TAX MAP 071, PARCELS 125-130, FROM GENERAL RESIDENTIAL (GR-6) DISTRICT TO RESIDENTIAL MIXED-USE (RMX) DISTRICT.

(The above Ordinance is recorded in full in Ordinance Book No. 23 at Page No. 57, and is known as Ordinance 2011-26.)

COUNCIL COMMITTEE REPORT – ADVISORY COMMITTEE ON BETTER HOUSING AND NEIGHBORHOOD STABILIZATION

Community Planning Services Director Joe Morris stated he has served as the primary staff liaison to the Advisory Committee on Better Housing and Neighborhood Stabilization. He noted a City Council Committee composed of Mayor Pro Tem Blackwell and Councilman Miller was established to review the Advisory Committee recommendations and met three times, May 31, 2011, June 6, 2011 and June 13, 2011 at City Hall.

Mr. Morris explained the Council Committee met to review the original recommendations, which were then reassigned, clarified, amended and modified. He displayed the working draft of the recommendations that was used during the three meetings.

Mr. Morris indicated what came out of the process was a reworking of the original policies distilled into two categories:

1. Advocacy, Education and Fair Housing
2. Enforcement

Mr. Morris reviewed the revised recommendations:

- Advocacy, Education and Fair Housing:
 - Establish a City Council Appointed Housing Advocacy Commission to promote neighborhood health, fair housing and tenant/landlord relationships
 - Meet quarterly with staff to develop programs and receive reports on activities

- related to housing and neighborhood conditions
- Distribute educational materials to community residents summarizing the Tenant and Landlord Handbook which clearly addresses tenant rights, and tenant/landlord responsibilities
- Provide a forum for issues related to fair housing and tenant/landlord responsibilities
- Partner with neighborhood groups such as the Neighborhood Leaders Alliance, Salisbury Neighborhood Action Group (SNAG) and the Historic Neighborhoods Alliance to improve community conditions
- Promote efforts to improve the eviction process by amending local ordinances to be consistent with state legislation
- Review and recommend changes to City ordinances to create strengthened, common-sense, minimum housing standards

Mr. Morris summarized the function of the Housing Advocacy Commission by stating it will serve as an Advisory Board to Code Enforcement to address housing issues.

- Enforcement:
 - Establish a Code Appeals Board by repurposing the Zoning Board of Adjustment to utilize administrative reviews as a function of minimum housing standards inspections and compliance
 - The City Council, under current general statutes, has the authority to revise ordinances related to the function of the Zoning Board of Adjustments
 - The recommendation is to provide training to the current Zoning Board of Adjustment (ZBA) in the area of minimum housing standards. This training can be attained through the Centralina Council School of Government and the UNC School of Government at minimal cost
 - The proposed Code Appeals Board would act in a quasi-judicial capacity as the route of appeal for property owners in disagreement with the administrative rulings of the Code Enforcement Officer.

Mr. Morris summarized the function of the Housing Advocacy Commission as related to minimum housing, and stated this is where a property owner would go if they disagree with the ruling of the Code Enforcement Officer.

Mr. Morris summarized the Council Committee Recommendations:

- Consider Council Committee Recommendation to create the Housing Advocacy Commission
- Consider Council Committee Recommendation to repurpose the Zoning Board of Adjustment (ZBA) to become the Code Appeals Board

Mr. Morris stated if Council moves forward with the two recommendations staff will prepare draft Ordinances to reflect the changes. He added the Ordinances could be presented to Council at its July 19, 2011 meeting so public hearings could take place in August.

Mayor Pro Tem Blackwell stated this was the evolution of a process started in 2006 when the Neighborhood Leaders Alliance came together to discuss common issues shared by neighborhoods, particularly housing. She informed Council this group is a sub-committee of the Community Appearance Commission that only meets twice a year, but was very effective in urging Council to begin the Code Enforcement Division.

Ms. Blackwell noted the left side of the final document is proactive and its purpose is to educate, communicate and support both property owners and renters. She stated the right side addresses enforcement and is reactive and becomes effective after there is a problem. She thanked Mr. Morris and the citizens who served on the Committees.

Mr. Miller stated the goal is to promote fair and better housing, and the proposed Housing Advocacy Commission will serve as an advisory board to Code Enforcement. He noted the Advocacy Commission should provide education and support better housing, but not be a platform for neighbors to argue. He stated the Housing Advocacy Commission is not empowered to make decisions or policy changes because that is a function of Council. He indicated it cannot serve as an arbiter of tenant and landlord disputes, but should serve as a place to talk about issues that are common across neighborhoods, and to educate about rights and responsibilities.

Mayor Kluttz stated she is very excited about the Housing Advocacy Commission, noting when the issue began it was controversial, with strong opinions on both sides. She indicated it was not easy for the Task Force to reach an understanding to present to Council. She thanked staff and Council for their hard work to find common ground and compromise, which will result in better housing for the City.

Councilman Woodson stated common sense is needed to make sure both tenants and landlords benefit, noting there is a fine balance between the two with the current economy.

Councilman Kennedy stated Mr. Miller and Ms. Blackwell did a great job, and he supports their efforts.

City Manager David Treme noted the Goals and Outcomes statements have been clarified to be included in the goal setting process. He stated with Council's permission staff will work to formalize, adopt and implement the Goal statements as Council feels best.

Mr. Morris stated staff will have two Ordinances prepared for Council's July 19, 2011 meeting, one for the new housing advocacy commission, and one for the text amendment to change the name of the Zoning Board of Adjustment. He noted the Ordinances will be brought to Council for review, and then a notification and hearing process will take place.

Mr. Miller concluded by stating Council does not want to allow substandard housing conditions for anyone and Code Enforcement cannot do their job unless they are informed. He noted most of the landlords do things the right way but there are some that do not. He stated if citizens have a problem they need to bring it to the attention of the Code Enforcement Office so they can do their job.

RESOLUTION OF INTENT AUTHORIZING A STEERING COMMITTEE FOR THE WEST END NEIGHBORHOOD TRANSFORMATION PLAN

Community Planning Services Director Joe Morris addressed Council regarding the Choice Neighborhood Planning Grant for the West End Neighborhood. He informed Council one of the first steps in the process is a Resolution of Intent to create a West End Neighborhood Transformation Plan Steering Committee to provide input and guidance for the planning process.

Mr. Morris recommended the Steering Committee consist of at least two residents from the West End Community, two residents from Civic Park Apartments, Rowan-Salisbury Schools, Livingstone College, Salisbury-Rowan Community Action Agency, Salisbury Community Development Corporation, Veterans Administration Hospital, a member from Salisbury City Council and the Salisbury Housing Authority Board. He noted the Core Planning Team includes Mr. Sam Foust, Mr. Jeff Jahnke and Ms. Stephanie Bruce of the Salisbury Housing Authority. He noted Mr. Wayne Stogner of Stogner Architecture will serve as Planning Coordinator, and Mr. Bill Burgin and Ms. Donna Schauble of Ramsey, Burgin, Smith Architects will serve as Planners. Ms. Janet Gapen, Mr. Trey Cleaton and Mr. Joe Morris from the City of Salisbury and Mr. Chanaka Yatawara from the Salisbury Community Development Corporation are also members of the team.

Mr. Morris stated if the Resolution of Intent is adopted, the next step will be the appointment of a Steering Committee in August. He stated in September the Steering Committee will have its introductory and follow-up meetings based upon the themes of the Choice Neighborhood Grant Program. He indicated stakeholders and community partners will be invited to meet with the Steering Committee. He stated in October there will be a community forum and then the Steering Committee will re-convene to review the information and create a Needs Assessment.

Mr. Morris stated in November the Steering Committee will hold a Charette or Design Workshop where residents from the neighborhood and the larger community can view design ideas. He stated this will allow for a design based on the Needs Assessment developed from the preliminary meetings. He added other activities will take place after November.

Mr. Kennedy stated this is an exciting time in the City of Salisbury, noting the continued improvement throughout the City. He stated he is happy to work on the West End Neighborhood Transformation Plan Committee.

Thereupon, Mr. Miller made a **motion** to adopt a Resolution of Intent authorizing a Steering Committee for the West End Neighborhood Transformation Plan. Mr. Kennedy seconded the motion. Messrs. Kennedy, Miller, Woodson, and Mses. Blackwell and Kluttz voted AYE. (5-0)

RESOLUTION OF INTENT AUTHORIZING A STEERING COMMITTEE FOR THE WEST END NEIGHBORHOOD TRANSFORMATION PLAN

(The above Resolution is recorded in full in Resolution Book No. 14 at Page No. 18, and is known as Resolution 2011-18.)

Thereupon, Mr. Miller made a **motion** Councilman Kennedy serve as Council's liaison. Ms. Blackwell seconded the motion. Messrs. Kennedy, Miller, Woodson, and Ms. Blackwell and Kluttz voted AYE. (5-0)

Mayor Kluttz thanked Mr. Morris for helping with this complicated issue. She stated she is very excited about the Choice Neighborhood Planning Grant for the West End Neighborhood.

APPLICATION FOR 2011 JUSTICE ASSISTANCE GRANT (JAG)

Police Chief Rory Collins announced an opportunity to receive a grant from the Department of Justice, known as a Justice Assistance Grant (JAG) and is to be used for the purchase of needed equipment. He stated the total of the grant is \$46,012 and it is to be shared with the Rowan County Sheriff's Office. He noted the allocations to the Salisbury Police Department will be \$33,004, with \$13,008 being allocated to the Rowan County Sheriff's Office. He pointed out this is a non-competitive grant and does not require a match. He indicated the Police Department is required to present to the Department of Justice and to Council how it plans to use the funds and hold a public hearing to receive public comment.

Chief Collins stated the Police Department plans to use the funds to acquire a Morpho Trak Live Scan Modification System for \$3,900. He explained those who are arrested are finger printed, and the prints are then placed into an automated database and cross referenced with finger prints taken from other crime scenes. He added this allows officers to clear cases more quickly.

Chief Collins stated the Police Department plans to use \$25,164 for specialized vehicles to accommodate the Drug Unit and new Police Interdiction Team (PIT) team. He noted these teams perform work that cannot be done in a marked police car. He stated the remaining \$3,940 will be used to fuel the undercover vehicles.

Mayor Kluttz stated she supports the Justice Assistance Grant.

Thereupon, Mr. Miller made a **motion** to set a public hearing for July 19, 2011 to receive public comment regarding an application for a 2011 Justice Assistance Grant (JAG) in the amount of \$46,012. Mr. Woodson seconded the motion. Messrs. Kennedy, Miller, Woodson, and Ms. Blackwell and Kluttz voted AYE. (5-0)

Councilman Woodson asked Chief Collins to verify the City did not have to match any of the funds. Chief Collins stated that was correct.

Councilman Kennedy commended Chief Collins and the Sheriff's Department concerning the number of crimes that have been solved and reported in the Salisbury Post. He noted in the past he rode with an officer on patrol and would like to do this again.

Chief Collins invited Mr. Kennedy to ride with an officer on patrol anytime. He commended the Police Department for their hard work and stated he was very proud of them.

Mayor Pro Tem Blackwell noted Council had deferred the money for the unmarked police cars in the budget and she was glad the Police Department will be able to obtain the cars through the grant.

Mayor Kluttz stated she is very proud of Chief Collins and the Police Department, and she thanked them for all they do for the City.

REQUEST TO RENAME THE 700 BLOCK OF OLD PLANK ROAD TO THE 700 BLOCK OF WEST MARSH STREET

Engineering Director Dan Mikkelson displayed an aerial map depicting the 700 Block of Old Plank Road to the 700 Block of West Marsh Street. He noted in September 2010, Council approved a request from Livingstone College to close a portion of the 700 Block of Old Plank Road, which left a small remnant piece.

Mr. Mikkelson noted when Council approved the closing staff recommended the remnant portion of the 700 Block of Old Plank Road be renamed to West Marsh Street. He indicated in accordance with guidelines established by Council for naming public properties this issue needs to be referred to the Planning Board for a recommendation.

Councilman Kennedy stated this issue has been studied in the past, and he hopes the Planning Board will act quickly.

Thereupon, Mr. Kennedy made a **motion** to refer a request to rename the 700 Block of Old Plank Road to the 700 Block of West Marsh Street to the Planning Board for study and recommendation. Mr. Woodson seconded the motion. Messrs. Kennedy, Miller, Woodson, and Ms. Blackwell and Kluttz voted AYE. (5-0)

ORDINANCE ELIMINATING RESIDENTIAL PARKING ON OLD PLANK ROAD BETWEEN THOMAS STREET AND CRAIGE STREET

Traffic Operations Manager Wendy Brindle indicated at the June 21, 2011 meeting she explained Livingstone College closed a portion of Old Plank Road, and the parking restrictions are no longer valid since the majority of the road is now private. She stated the remaining property owner at 717 Old Plank Road supported removing the restrictions. She noted Council adopted an Ordinance to remove the restrictions on the south side of Old Plank Road, but she failed to include an Ordinance to remove the "Residential Parking Only" restriction on the north side of Old Plank Road. She indicated to ensure all restrictions are removed an Ordinance is being brought before Council to amend Section 13-343 of the City Code to eliminate Residential Parking Only on the North side of Old Plank Road.

Thereupon, Mr. Kennedy made a **motion** to adopt an Ordinance amending section 13-343, Article X, Chapter 13 of the code of the City of Salisbury, relating to Residential Parking Only as presented. Ms. Blackwell seconded the motion. Messrs. Kennedy, Miller, Woodson, and Mses. Blackwell and Kluttz voted AYE. (5-0)

AN ORDINANCE AMENDING SECTION 13-343, ARTICLE X, CHAPTER 13, OF THE CODE OF THE CITY OF SALISBURY, RELATING TO RESIDENTIAL PARKING ONLY.

(The above Ordinance is recorded in full in Ordinance Book No. 23 at Page No. 59, and is known as Ordinance 2011-27.)

USE OF CEMETERIES FOR OCTOBER TOUR

Mr. David Post, Chairman of the 2011 OctoberTour, noted a letter was submitted to Council requesting the City's assistance with preparation for the 2011 OctoberTour. He added he also submitted a request to allow the Old English and Freedman's Cemeteries to be included on the 2011 OctoberTour. He explained OctoberTour is one of the largest gatherings of people from outside the City, and the event is planned and organized by the Historic Salisbury Foundation.

Mr. Post pointed out OctoberTour helps celebrate Salisbury's history which goes back over 250 years. He informed Council Governor Ellis, the only Governor from Salisbury died July 7, 1861, and is buried in the Old English Cemetery, which is over 200 years old. He explained Confederate soldiers and British Soldiers are also buried in the Cemetery, and noted nothing has been done to preserve the tombstones. He informed Council St. Luke's Episcopal Church is part of OctoberTour and the Historic Salisbury Foundation would like to include the Old English and Freedman's Cemeteries as well. He stated Salisbury has a remarkable history that needs to be celebrated.

Mayor Kluttz thanked Mr. Post for his presentation.

Mr. Post noted Governor Ellis helped have plank roads installed in North Carolina. He explained years ago the streets were muddy and very hard to drive carts over, so planks were laid and that is how Plank Road got its name.

Thereupon, Mr. Woodson made a **motion** to include the Old English and Freedman Cemeteries in the Historic Salisbury Foundation's October Tour to be held Saturday, October 8, 2011 and Sunday, October 9, 2011. Mr. Kennedy seconded the motion. Messrs. Kennedy, Miller, Woodson, and Mses. Blackwell and Kluttz voted AYE. (5-0)

HIRING PROCESS FOR NEW CITY MANAGER

Mayor Kluttz indicated City Manager David Treme will retire August 1, 2011, and noted Council will name an interim City Manager at its next meeting. She stated Council thinks it is

very important to start the search process for a new City Manager as soon as possible. She asked Human Resources Director Zack Kyle to explain the process.

Mr. Kyle stated there are two ways to proceed, promote from within the City or go outside the City, and allow the internal applicants to apply for the position. He suggested if Council decides to open the applicant process, it should consider hiring Springstead, a recruitment firm the City has used in the past on other Human Resource activities. He explained Springstead has worked with the City of Greensboro, City of Charlottesville, Virginia, City of Kannapolis, City of Fayetteville and the City of Greenville, and they are familiar with Salisbury and would be very helpful with this process.

Mayor Kluttz stated Council's first decision is to decide if it wants to promote from within or solicit applications from outside the City.

Councilman Woodson stated this is a major decision and he thinks Council should look in both places. He noted Mr. Treme has been with the City for 25 years, and Council could possibly hire someone for the next 25 years. He commented this is a major decision that should not be rushed and he recommended Council look at both internal and external candidates.

Councilman Kennedy agreed with Mr. Woodson, and noted Council should not be rushed even if the decision is made by the next Council. He added Council should take time and get the right person on board.

Councilman Miller agreed and stated external candidates need to be considered no matter how qualified internal candidates are. He stated he was pleased with the recommendation to have someone with human resources expertise lead Council through the process, and he supports working with Springstead.

Mr. Woodson stated he is an advocate of promotion from within, noting the internal candidates have the same chance as external candidates.

Mayor Kluttz stated this is a critical time for the City, and it is very important to find the right person, adding it will be hard to find a City Manager to measure up to Mr. Treme. She noted Council would have excellent candidates from inside, but to do its best, outside candidates should also be considered.

Mayor Kluttz asked Mr. Kyle to explain the process. Mr. Kyle stated Springsted will advertise, setup online surveys and public meetings, and narrow the applicants to a reasonable number for the interview process.

Mr. Woodson stated it is very important to hear from the public. Mayor Kluttz agreed.

Mr. Miller asked Mayor Kluttz if Council was authorizing Mr. Kyle to enter into the contract. Mayor Kluttz explained if Council was happy with Mr. Kyle's recommendation he could bring information back to Council so they could review the information and she will sign. Mr. Miller stated the cost of the process needs to be examined.

Mayor Kluttz asked Mr. Kyle to bring the information to the July 19, 2011 Council meeting.

Thereupon, Mr. Kennedy made a **motion** to allow Mayor Kluttz to enter into discussions with a Consulting agency regarding the City Manager search contract. Mr. Woodson seconded the motion. Messrs. Kennedy, Miller, Woodson, and Mses. Blackwell and Kluttz voted AYE. (5-0)

CITY MANAGER'S COMMENTS

(a) 2011 Main Street Solutions Fund

City Manager David Treme stated several weeks ago Council authorized him to apply for a 2011 Main Street Solutions Fund Grant on behalf of Downtown Salisbury, Inc. in an effort to strengthen the City's local economy. He announced the Mayor received a letter awarding the City \$41,859 for this purpose. He noted this grant will be used to revitalize one of the two structures on Lee Street, which is owned by Downtown Salisbury Inc. He indicated the other structure is owned by the Community Development Corporation. He explained the purpose of the grant is to provide funds to allow one of these buildings to be developed and sold at a market rate.

(b) Fibrant reaches 1000 Customers

City Manager David Treme announced that Fibrant now has 1000 installed customers and more are signed up to be connected. He stated he is very proud of the progress Fibrant has made.

Councilman Woodson commented this is big news. Mayor Kluttz agreed. Mayor Pro Tem Blackwell stated Fibrant is on target with the plan. Mr. Treme thanked Assistant City Manager John Sofley, Director of Broadband Services Mike Crowell and the Fibrant Team for the work they do. He added Fibrant has gotten a boost with marketing from Director of Public Information and Communications Karen Wilkinson, and Marketing and Community Relations Manager Elaney Hasselmann, directed by Assistant City Manager Doug Paris. He noted there have been excellent ads in the Salisbury Post, on the radio and on billboards.

MAYOR'S ANNOUNCEMENTS

(a) Krazy Night Out

Mayor Kluttz announced Downtown Salisbury, Inc. will host Krazy Night Out Friday, July 15, 2011, from 5:30 p.m. until 9:00 p.m. in downtown Salisbury

(b) 14th Annual Run/Walk for the Greenway 5K and Half Mile Fun Run

Mayor Kluttz announced The 14th Annual Run/Walk for the Greenway 5K and the Half Mile Fun Run will be held at the Salisbury Greenway, Saturday, July 23, 2011 at 8:00 a.m. Contact Hall Gym for additional information at 704-638-5289.

(c) Discover What's Inside

Mayor Kluttz announced the second edition of "Discover What's Inside" will be in the Salisbury Post Wednesday, July 8, 2011. She stated it is another way to communicate with the public about the exciting things happening in the City. She noted the Human Relations Council meeting listed in the publication for July has been canceled.

(d) Disaster Preparedness Class

Mayor Pro Tem Blackwell stated she attended a class hosted by Rowan County and authorized by the Department of Homeland Security. She stated she spent the day learning about disaster preparedness for Rowan County and the municipalities. She pointed out participants went through several mock disasters, and she noted the tremendous amount of planning within the county for these events.

CLOSED SESSION

Council to go into closed session concerning a personnel matter as allowed by NCG 143-318.11(a)(6) and to consult with an attorney as allowed by NCGS 143-318.11(a)(3).

Thereupon, Mr. Woodson made a **motion** to go into closed session concerning a personnel matter as allowed by NCG 143-318.11(a)(6) and to consult with an attorney as allowed by NCGS 143-318.11(a)(3). Ms. Blackwell seconded the motion. Messrs. Kennedy, Miller, Woodson, and Mses. Blackwell and Kluttz voted AYE. (5-0)

RETURN TO OPEN SESSION

Thereupon, Mr. Kennedy made a **motion** to return to open session. Ms. Blackwell seconded the motion. Messrs. Kennedy, Miller, Woodson, and Mses. Blackwell and Kluttz voted AYE. (5-0)

Mayor Kluttz announced no action was taken in Closed Session.

ADJOURNMENT

Motion to adjourn the meeting was made by Mr. Woodson, seconded by Mr. Kennedy. All council members in attendance agreed unanimously to adjourn. The meeting was adjourned at 7:14 p.m.


Susan W. Kluttz, Mayor


Myra B. Heard, City Clerk